

TOWN OF OLD ORCHARD BEACH
ORDINANCE REVISION COMMITTEE MEETING MINUTES January 26, 2011

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| Call to Order at 6:59 pm | Call to Order |
| <p>Pledge of Allegiance Roll Call: George Kerr, Chair; Robert Scoville; William Daley. Excused: Steve Bryant and Linda Mailhot, Vice Chair. Staff: Mike Nugent, Code Enforcement Officer; Tori Geaumont, Secretary</p> | <p><u>ROLL</u> <u>CALL</u></p> |
| <p><u>Item 1: Approval of Minutes</u> December 1, 2010 Mr. Daley moved to accept the minutes from December 1, 2010. Mr. Scoville seconded. <i>Motion passed unanimously.</i></p> | <p>Motion Vote</p> |
| <p><u>Item 2: Chapter 78: Zoning. Final discussion of proposed Shoreland Zoning draft.</u> Chairman Kerr asked if this had been referred to the council, as he thought it was going to be. Mr. Nugent replied that it was sent to the DEP to look over and Chris Vaniotis sent the final draft today. It is up for Public Hearing at the 2-1-11 Town Council meeting and will be voted on at the 2-15-11 meeting.</p> | <p><u>Item 2:</u> <u>Chapter 78:</u> <u>Zoning. Final</u> <u>discussion of</u> <u>proposed</u> <u>Shoreland</u> <u>Zoning draft.</u></p> |
| <p><u>Item 3: Chapter 78: Section 78, Article 1: In General/Definitions.</u> Chairman Kerr asked if the committee had any questions or recommendations. He then asked Mr. Nugent if there were any bottle clubs in the town. Mr. Nugent replied they are not allowed, but they still must be defined. Chairman Kerr pointed on the verbiage concerning sidewalk cafes should probably be changed, as it makes reference to change in elevation. This would be restrictive to the businesses on Old Orchard Street. Mr. Nugent felt that was a good catch and the wording should mirror the wording used when the committee created the Sidewalk Café ordinance this spring. Staff will make the change. Chairman Kerr asked if the restrictions under nursery schools were mandated by the state, and if so he felt the states had changed. Mr. Nugent stated that when the ordinance was drafted it was probably consistent with the state. Staff will double check and make sure it is and make changes are made. Chairman Kerr asked regarding Parking Lots and the time frame of ten days associated with this. Mr. Nugent felt this should be changed. The committee agreed. He thought maybe this was relevant at the time, but is not any longer. He then pointed out under the definition of Structure Accessory, swimming pool was defined, and then in the Accessory Structure section, swimming pool was exempt. This needs to be consistent, and needs to be taken out.</p> | <p><u>Item 3: Chapter</u> <u>78, Article 1: In</u> <u>General/</u> <u>Definitions.</u></p> |

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| <p>Chairman Kerr asked if the definition of swamp was from the state.</p> <p>Mr. Nugent will double check as the shoreland zoning is changing.</p> <p>Chairman Kerr asked if there were any further questions. Committee had none.</p> <p>Mr. Nugent stated staff will make the appropriate changes for the next meeting scheduled in February.</p> <p>Chairman Kerr asked if staff will be sending the proposed changes to the appropriate boards, as he felt it important to keep everyone involved.</p> <p>Mr. Nugent stated it will give each board the opportunity to comment and suggest new changes, as well, and staff will do that.</p> <p>Chairman Kerr moved on to <u>Article II: Administration and Enforcement</u> and asked if Mr. Nugent had suggestions.</p> <p>Mr. Nugent explained the Miscellaneous Appeals process regarding Zoning Board of Appeals, and how these are granted 100% of the time. He sited the process in Portland where this type of thing is handled by staff in stated of having citizens go through the process. The ZBA will be asked their opinion of this for the next meeting.</p> <p>Chairman Kerr felt this was an added cost to both the citizens and the town. He then asked if the ZBA had ever not granted one.</p> <p>Mr. Nugent could not recollect ever having them deny the appeal.</p> <p>Chairman Kerr asked to just eliminate section 78-94 and asked if anyone had any further questions or suggestions. Seeing none, he moved on to <u>Article III: Compliance and Non-Compliance</u>. He pointed out section 78-144 and asked if this was state law.</p> <p>Mr. Nugent confirmed this. He will double check with all state statute references. He then referred to section 78-178, in regards to changes that were done to legalize mislocated buildings.</p> <p>Mr. Daley questioned if making a non-conforming structure more non-conforming was a hardship for the town.</p> <p>Mr. Nugent stated it was not, and it was important to preserve the right of the property owner to use their property without extreme limitations.</p> <p>Chairman Kerr felt the language was clear and precise which was important. He asked for questions or comments. Seeing none, he moved on to <u>Article IV: Site Plans</u>.</p> <p>Mr. Nugent explained the expansion limitations and how there are two different levels.</p> <p>Chairman Kerr asked if the board or staff had any recommended changes.</p> | <p><u>Item 4:</u> <u>Chapter 78,</u> <u>Article II:</u> <u>Administration</u> <u>and</u> <u>Enforcement</u></p> <p><u>Item 5:</u> <u>Chapter 78,</u> <u>Article III:</u> <u>Conformance</u> <u>and Non-</u> <u>conformance</u></p> <p><u>Item 6:</u> <u>Chapter 78,</u> <u>Article IV:</u> <u>Site Plans</u></p> |
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Mr. Nugent explained the problems in DD1 and DD2 regarding this, as there are no parking restrictions, and it is questionable what the purpose is for those instances.

Chairman Kerr asked if after an applicant goes through the process do then they need to go through DRC.

Mr. Nugent stated yes.

Chairman Kerr felt this was redundant and that the applicant should be able to easily do a small project with limited impact. Larger projects would need this.

Mr. Nugent stated that staff would create new wording for this and bring it back at the next meeting. This would be in section 78-212, 6(b) which is under the applicability section. He stated that this is a good idea, especially in the spring when there is such a small window to get businesses up and running and any improvements business owners wish to make take a long time. He encouraged anyone who had any questions to email him.

Chairman Kerr asked Ms. Geaumont to let Mr. Bryant and Vice Chair Mailhot know this as well. He then moved on to Article V: Design Review. He asked if the board was notified this would be coming up.

Mr. Nugent stated that they were told at the last DRC meeting this would be coming up soon, but they were not informed of this particular meeting. Staff will have their thoughts at the next meeting in February.

Chairman Kerr stated that he has been in front of the DRC several times, and he feels the process is redundant, as most times, applicants need to go through Planning Board as well. He felt that this process would possibly be necessary for a new building, but for an addition it was silly.

Mr. Nugent explained the resident aspect and how it really is not appropriate for a single family home. Maybe it could focus on new construction and exempt single family homes. He also stated that the review process is broader than what is even required for a building permit. An example would be a fence or patio; these do not require a building permit, but have restrictions within the DRC guidelines. Many citizens do not think they need to go through the DRC process because they do not require a building permit, and this causes problems at times.

Chairman Kerr felt that another problem is that the DRC sometimes tries to enforce things that are not within their purview. It is his goal to get rid of repetition and unnecessary limitations.

Mr. Nugent suggested taking the relevant portions of Division V and moving them to Article IV: Site Plans and come back with a more streamlined Article V. Chairman Kerr asked if after an applicant goes through the process, they can come back and

Item 7:
Chapter 78,
Article V: Design
Review

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| <p>get approval from staff. Mr. Nugent stated most of the time, but there are times, such as Mylar revisions, when applicants will need to come back to Planning Board. Chairman Kerr asked if there were any questions and if the board agreed. They did not have questions and agreed. Mr. Nugent stated he would be back at the next meeting with all the revisions, etc. Chairman Kerr asked about vinyl siding restrictions. Mr. Nugent stated that in the ordinance it states it is "discouraged", but still allowed. It should state clearly what is allowed and what is not. Chairman Kerr felt that vinyl products today are quite different then when the ordinance was created, and there are some really nice products out there available. He also felt the limitation of 500 sf should be increased. Mr. Nugent added that 78-427 may need to go away completely. Chairman Kerr felt that only new projects should go to DRC. Mr. Daley asked how many building permits a year does the down grant. Mr. Nugent answered a total of 400 for everything, but only 12-14 for new construction. Chairman Kerr asked the proposed changes be sent to the DRC. Mr. Nugent stated that staff would get on these quickly and send them to the committee for ample time to review.</p> | |
| <p><u>Item 6: Good & Welfare</u> None</p> | <p><u>Item 6: Good & Welfare</u></p> |
| <p>Chairman Kerr moved to adjourn. Mr. Scoville seconded. <i>Motion passes unanimously.</i> MEETING ADJOURNED AT 7:35 P.M.</p> | <p><u>Motion</u> <u>Vote</u> <u>Adjournment</u></p> |

I, Tori Geaumont, Secretary to the Ordinance Revision Committee of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of four (4) pages is a true copy of the original minutes of the Ordinance Revision Committee Meeting on January 26, 2011

Tori Geaumont